

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Gallatin Fuels, Inc.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 02-2116
	)	
	)	
Westchester Fire Insurance Company,	)	
	)	
Defendant.	)	

AMBROSE, Chief District Judge

**ORDER OF COURT**

AND NOW, this 16<sup>th</sup> day of January, 2008, after careful consideration of Defendant Westchester Fire Insurance Company's Motion for Protective Order and to Quash Writs of Execution Addressed to Garnishees (Docket No. 414) and Plaintiff's Brief in Opposition thereto (Docket No. 437), Defendant's Motion is GRANTED:

(1) Plaintiff's Interrogatories and Notice of Deposition in Aid of Execution addressed to Defendant are hereby stricken; and,

(2) Plaintiff's Writs of Execution and Garnishee Interrogatories addressed to all garnishees, as well as any Writs of Execution and Garnishee Interrogatories filed during the pendency of this Motion are quashed and stricken; and,

(3) Plaintiff is enjoined from filing any additional Writs of Execution and Garnishee Interrogatories pending resolution by the United States Court of Appeals for the Third Circuit of Defendant's emergency Motion for Stay of Execution of Judgment Pursuant to Federal Rule of Appellate Procedure 8(a)(2). If the Court of Appeals denies Defendant's emergency Motion for

Stay and Defendant does not pay the judgment, Plaintiff may renew its Rule 65.1 Motion for Judgment Against Surety to seek payment on the appeal bonds previously approved by this Court<sup>1</sup> and/or seek leave of court to file additional Writs of Execution or discovery in aid of execution.

**BY THE COURT:**

/s/ Donetta W. Ambrose  
Donetta W. Ambrose,  
Chief U.S. District Judge

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<sup>1</sup> To the extent Plaintiff argues that its previous Rule 65.1 Motion, dated October 16, 2007 (Docket No. 299), is still pending, that motion was premature when filed and is denied without prejudice.